

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

CHAD MCCUNE, et al.

PLAINTIFFS,

V.

GRACO CHILDREN'S PRODUCTS, INC., et al.,

DEFENDANTS.

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Case No 5:2009cv00107

**DEFENDANT GRACO CHILDREN'S PRODUCTS INC.'S
AGREED MOTION FOR LEAVE TO FILE A DVD AS AN
EXHIBIT TO ITS DAUBERT MOTION**

Graco Children's Products Inc. ("Graco") respectfully requests that this Court grant it leave to file a DVD containing videos of crash testing relied on by plaintiffs' expert and cited in its Motion to Exclude Certain Opinions of Gary Whitman and Wayne K. Ross, M.D. Graco states that these videos are evidence relevant to deciding Graco's *Daubert* motion. Although the DVDs are not uploadable to the Court's ECF system in searchable PDF format, Graco seeks

leave to provide them to the Court and plaintiffs' counsel on a DVD for viewing on a computer.

Respectfully submitted,

/s/ Heidi Oertle

Heidi Oertle

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 20, 2011, she filed the foregoing document on all counsel of record via ECF.

/s/ Heidi Oertle

Heidi Oertle

CERTIFICATE OF CONFERENCE

The undersigned certifies that Counsel have complied with Local Rule CV 7(h) in that national counsel for Graco Children's Products Inc., Joseph Krasovec, met and conferred with counsel for plaintiffs, R. Douglas Gentile, telephonically on May 17, 2011, and that counsel for plaintiffs agree to the relief sought in this motion.

/s/ Heidi Oertle

Heidi Oertle